

February 24, 2005

**ELECTRONIC FILING**

The Honorable Alexander Williams Jr.  
United States District Court  
For the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, MD 20770

**Re: Jeff Schmidt v. American Institute of  
Physics, Civil Action No. AW-04-3774**

Dear Judge Williams:

In response to the Court's Scheduling Order dated February 10, 2005, the parties report as follows:

(1) The parties feel that an early settlement/ADR conference is premature at this time, but are presently discussing the possibility of Court assisted or third-party mediation and may engage in such a conference or mediation. The parties will promptly request an early settlement/ADR conference with the Court should the parties agree to same;

(2) The parties do not agree on the number of deposition hours that would be appropriate for this case. Plaintiff believes that the number of supervisors and co-workers who have direct knowledge of and/or participation in the events alleged in the Complaint number in excess of six individuals. Plaintiff also believes that additional deposition hours will be necessary if the Defendant engages the services of an expert. Accordingly, Plaintiff requests 45 hours of deposition time. Defendant believes 45 hours is excessive, and that 25 hours is sufficient, but Defendant would agree to 30 hours.

(3) Plaintiff seeks a modification of Local Rule 104(1), which limits the number of requests for production to thirty (30) requests. Plaintiff feels that a modification of the Rule to permit fifty (50) requests for production is more appropriate for this matter. Defendant feels that Local Rule 104(1) permits ample discovery and objects to any modification of the Rule at this time.

(4) The parties do not agree to proceed before a United States Magistrate Judge.

Please advise us if further information is required.

Very truly yours,

/s/ Patricia G. Butler

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<sup>1</sup> Application for *pro hac vice* admission granted on November 19, 2004 in case no. 8:04-cv-03270-AW, which was consolidated with this case on January 11, 2005.